

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 83

SENATE BILL 1091

AN ACT

AMENDING SECTIONS 41-2451, 41-2452 AND 41-2454, ARIZONA REVISED STATUTES;
RELATING TO THE GOVERNOR'S COUNCIL ON DEVELOPMENTAL DISABILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2451, Arizona Revised Statutes, is amended to
3 read:

4 41-2451. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Council" means the governor's council on developmental
7 disabilities.

8 2. "Developmental disability" means a severe, chronic disability of
9 a person which THAT:

10 (a) Is attributable to mental or physical impairment such as mental
11 retardation, cerebral palsy, epilepsy or autism.

12 (b) Is manifest before age eighteen.

13 (c) Is likely to continue indefinitely.

14 (d) Results in substantial functional limitations in three or more of
15 the following areas of major life activity:

16 (i) Self-care.

17 (ii) Receptive and expressive language.

18 (iii) Learning.

19 (iv) Mobility.

20 (v) Self-direction.

21 (vi) Capacity for independent living.

22 (vii) Economic self-sufficiency.

23 (e) Reflects the need for a combination and sequence of individually
24 planned or coordinated special, interdisciplinary or generic care, treatment
25 or other services which THAT are of lifelong or extended duration.

26 3. "~~Developmental disability~~ District advisory council" means a local
27 volunteer organization established to assist THAT MAY RECEIVE FUNDING FROM
28 the council in:

29 (a) IMPLEMENTING THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL
30 OF RIGHTS ACT (42 UNITED STATES CODE SECTION 6000).

31 (b) Identifying and serving the needs of developmentally disabled
32 persons WITH DEVELOPMENTAL DISABILITIES and their families. ~~and to provide~~

33 (c) PROVIDING education and enhance ENHANCING public awareness about
34 developmental disabilities to the local community.

35 Sec. 2. Section 41-2452, Arizona Revised Statutes, is amended to read:

36 41-2452. Governor's council on developmental disabilities;
37 members; appointment; qualifications; terms

38 A. The governor's council on developmental disabilities is established
39 to provide coordination and planning in the field of developmental
40 disabilities.

41 B. The council ~~shall consist~~ CONSISTS of no more than ~~twenty-three~~
42 TWENTY-FIVE members appointed by the governor for three year terms in
43 accordance with the requirements of this section.

44 C. At least ~~one-half~~ SIXTY PER CENT of the members of the council
45 shall be from the following groups:

1 1. Persons with developmental disabilities or parents or guardians of
2 such persons.

3 2. Immediate relatives or guardians of persons with mentally impairing
4 developmental disabilities.

5 D. Members appointed pursuant to subsection C of ~~this section~~ shall
6 not be:

7 1. Employees of a state agency which receives monies or provides
8 services for persons with developmental disabilities.

9 2. Managing employees, as defined in section 1126(b) of the social
10 security act, of any other entity which receives monies or provides services
11 for persons with developmental disabilities.

12 3. Persons with an ownership or control interest, as defined in
13 section 1124(a)(3) of the social security act, with respect to such an
14 entity.

15 E. Of the members of the council appointed pursuant to subsection C
16 of ~~this section~~:

17 1. At least one-third shall be persons with developmental
18 disabilities.

19 2. At least one-third shall be persons described in subsection C,
20 paragraph 2 of ~~this section~~, at least one of whom is an immediate relative
21 or guardian of an institutionalized person with a developmental disability.

22 F. In addition to members appointed pursuant to the requirements of
23 subsection C of ~~this section~~, at least ten members shall be appointed
24 pursuant to this subsection. ~~In the event that~~ IF a new agency or facility
25 is established, the governor, upon a vacancy occurring in a category which
26 THAT has multiple representation on the council, shall appoint a member to
27 represent the newly established facility. Representatives shall be selected
28 as follows:

29 1. At least one representative from the principal state agency
30 including each separate state agency that administers monies provided under
31 the federal rehabilitation act of 1973, the ~~education of the handicapped~~
32 INDIVIDUALS WITH DISABILITIES EDUCATION act, THE OLDER AMERICANS ACT OF 1965
33 and title XIX of the social security act for persons with developmental
34 disabilities.

35 2. AT LEAST ONE REPRESENTATIVE FROM THE FEDERAL AGENCY THAT
36 ADMINISTERS MONIES PROVIDED UNDER TITLE V OF THE SOCIAL SECURITY ACT FOR
37 PERSONS WITH DEVELOPMENTAL DISABILITIES.

38 ~~2.~~ 3. At least one representative from a higher education training
39 facility for persons with developmental disabilities.

40 ~~3.~~ 4. At least one representative from each university affiliated
41 facility or satellite center concerned with persons with developmental
42 disabilities.

43 ~~4.~~ 5. A representative of this state's protection and advocacy system
44 for people with developmental disabilities established pursuant to section
45 142 of the developmental disabilities act of 1984.

1 5. 6. At least one representative from a local governmental agency
2 concerned with services to persons with developmental disabilities.

3 6. 7. At least one representative from a nongovernmental agency which
4 THAT is a private nonprofit group concerned with services to persons with
5 developmental disabilities.

6 Sec. 3. Section 41-2454, Arizona Revised Statutes, is amended to read:
7 41-2454. Duties of council

8 The council shall:

9 1. Serve as a forum through which issues regarding current and
10 potential services and programs for persons with developmental disabilities
11 may be discussed by consumer, public, private, professional and lay
12 interests.

13 2. Advise the private sector, the executive and, if requested, the
14 legislative branches of state government on programs and policies pertaining
15 to current and potential services to persons with developmental disabilities
16 and their families.

17 3. Submit periodic reports, including an annual report to the
18 governor, the speaker of the house of representatives and the president of
19 the senate and other reports as requested, concerning services to persons
20 with developmental disabilities.

21 4. Review, comment and make recommendations as necessary on all
22 service plans of this state which THAT affect services and programs for
23 persons with developmental disabilities and forward a summary of all
24 recommendations and responses from agencies to the appropriate legislative
25 committees if requested.

26 5. Develop, prepare, adopt and periodically review and revise a
27 council plan for the developmentally disabled, in order to establish the
28 following:

29 (a) Goals and objectives to meet the needs of persons with
30 developmental disabilities. These goals and objectives shall be based on
31 identified needs and shall be designed to cover gaps in existing services.

32 (b) Alternative plans to achieve the goals and objectives established
33 pursuant to subdivision (a) of ~~this paragraph~~.

34 (c) Plans to improve the quality of services and programs provided to
35 persons with developmental disabilities.

36 6. Monitor programs and services for persons with developmental
37 disabilities to encourage efficient and coordinated use of resources in the
38 provision of services.

39 7. Facilitate the coordination of the ~~local~~ district advisory councils
40 ~~for the developmentally disabled~~ in the six planning districts to serve as
41 a community information network throughout this state AND TO ENSURE THAT THEY
42 DO NOT ENGAGE IN ANY ACTIVITY THAT MAY COMPROMISE THE COUNCIL'S OR A DISTRICT
43 ADVISORY COUNCIL'S ABILITY TO MONITOR COMPLIANCE WITH QUALITY ASSURANCE
44 STANDARDS.

~~APPROVED BY THE GOVERNOR APRIL 22, 2003.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2003.~~

Passed the House March 31, 20 03,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Cheryl Laube
Asst. Chief Clerk of the House

Passed the Senate February 6, 20 03,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Bennett
President of the Senate

Charmine B. Denton
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1091

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 16, 2003,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate
[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of April, 2003

at 4:30 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 22 day of

April, 2003,

at 2:15 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of April, 2003

at 4:45 o'clock P. M.

[Signature]
Secretary of State

S.B. 1091